

REMARKS/ARGUMENTS

Claims 1-2, 6-7, 11-12, 16-17, 21-22, and 26-27 are pending in the application. No claims have been amended, added, or cancelled.

Claims 1-2, 6-7, 11-12, 16-17, 21-22, and 26-27 were rejected under 35 U.S.C. §103(a) as being rendered obvious by Wada et al., U.S. Patent No. 6,144,529 (hereinafter “Wada”) in view of Levi et al., U.S. Patent No. 6,137,656 (hereinafter “Levi”).

Claim Rejections under 35 U.S.C. §102(e)

Claims 1-2, 6-7, 11-12, 16-17, 21-22, and 26-27 were rejected under 35 U.S.C. §103(a) as being rendered obvious by Wada in view of Levi. Wada discloses a slider, a head, a head device and a read/write apparatus designed to achieve high density writing and an increase in the storage capacity (See Abstract). Levi discloses an air bearing slider for use in a disk drive with a plurality of pads that form discrete air bearing surfaces having a uniform height (See Abstract).

Applicant respectfully submits that Wada fails to disclose a compression pad having a height equal to a height of the first and second rails and a third structure having a depth equal to the first depth, as recited in claims 1, 6, 11, 16, 21, and 26. Wada states:

The surface 142 of the third positive pressure generating portion 140 has essentially the same height as the surface 112 of the first positive pressure generating portion 110, the surface 152 of the fourth positive pressure generating portion 150 and the surface 162 of the fifth positive pressure generating portion 160.

(Wada, Column 21, Lines 41-49).

In other words, Wada disclose a compression pad 140 with only one surface 142 at only one level. The Examiner presumably uses the compression pad of Levi, which has multiple surface levels 72 and 38, to cure this deficiency, hence the §103(a) rejection.

However, Wada was issued on November 7, 2000 to TDK Corporation, after the present applications filing date of September 27, 1999, making Wada a reference under §102(e).

Further, SAE Magnetics Ltd., the obligated assignee at the filing of this invention is a wholly owned subsidiary of TDK Corporation dating back to August of 1986 (see attached web page).

As such, inventions assigned to SAE Magnetics Ltd. and inventions assigned to TDK Corporation are considered to be commonly owned for purposes of §103(c). See MPEP 706.02(l)(2), Example 1.

35 U.S.C. §103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

TDK Corporation commonly owned Wada and the pending application at the time the claimed invention was made. Therefore, Applicants submit that Wada may not be used as a prior art reference per 35 U.S.C. §103(c).

Based on the arguments above, reconsideration and withdrawal of the rejection of claims 1, 2, 6, 7, 11, 12, 16, 17, 21, 22, 26, and 27 under 35 U.S.C. §103(a) is respectfully requested.

For all the above reasons, the Applicant respectfully submits that this application is in condition for allowance. A Notice of Allowance is earnestly solicited.

The Examiner is invited to contact the undersigned at (408) 975-7970 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. §1.16 or §1.17 to Deposit Account No. **11-0600**.

Respectfully submitted,

KENYON & KENYON

Dated: November 8, 2004

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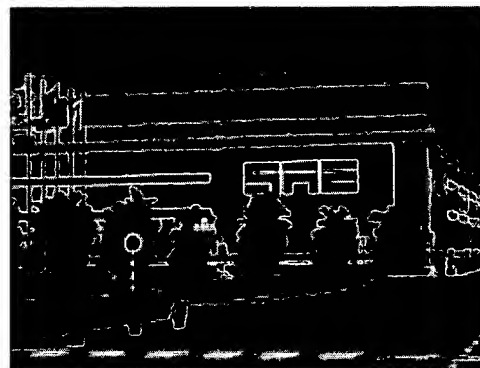
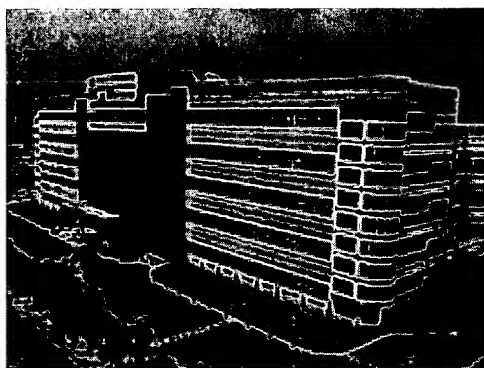


SAE Magnetics (H.K.) Ltd.

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SAE Magnetics (H.K.) Ltd., a wholly owned TDK subsidiary, is one of the world's leading independent manufacturers of magnetic recording heads, head gimbals assemblies (HGA) and head stack assemblies (HSA) for computer disk drivers. SAE also supplies high performance recording heads for video tape recorders.

SAE Magnetics (H.K.) Ltd. was established in October 1980 to meet the increasing demand of magnetic recording heads. In August 1986, SAE joined the TDK Corporation Group, the world's largest and most advanced ferrite manufacturer. Since then, the combination of SAE's technologies in head manufacturing and TDK's expertise in magnetic materials has brought SAE to a leading position in head manufacturing.

SAE continues to provide the best support to customers by developing and producing the best magnetic recording heads, including the advanced magnetoresistive (MR) technologies and the giant MR technologies.

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